

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AUNDEL BENOIT,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:19-CV-1083-WKW
)	[WO]
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On January 29, 2020, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 5.) Upon an independent review of the record, it is ORDERED that the Recommendation is ADOPTED. Accordingly, Petitioner's petition, which is construed as a 28 U.S.C. § 2255 motion, is DISMISSED without prejudice for lack of subject matter jurisdiction.

Petitioner is not required to obtain a certificate of appealability to appeal this court's judgment, should he desire to do so, because it is not "'a final order in a habeas corpus proceeding'" within the meaning of 28 U.S.C. § 2253(c). *Hubbard v. Campbell*, 379 F.3d 1245, 1247 (11th Cir. 2004) (quoting § 2253(c)).

Final judgment will be entered separately.

DONE this 25th day of February, 2020.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE